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WP No. 42704 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 42704 of 2025 AND

WMP Nos. 47767, 47768, 47770 and 47775 OF 2025

C. Mathiazhagan
S/o Chakkaravarthy Pazhvaikal Street, Chidambaram
Road, Allur Village Boothankudi And Post, Cuddalore
District 607 702

..Petitioner

Vs

1. The District Collector
Cuddalore Collectorate, Cuddalore District.607 001.
2. The Thasildar
Chidambaram Taluk , Cuddalore District 608 001
3. The Divisional Engineer
Construction And Maintenance State Highways
Department, Chidambaram Division Cuddalore
District 608 001
4. The Executive Engineer
Water Resources Department (pwd) No 1 Kollidam
(irrigation Division) Chidambaram Cuddalore District
608 001
5. B. Komati
W/o Baskar Das, Pazhvaikal Street, Chidambaram
Road, Allur Village, Boothankudi And Post,
Chidambaram Taluk Cuddalore District 608 702
6. Baskar Das
S/o Kozhavandavelu, Pazhvaikal Street,
Chidambaram Road, Allur Village, Boothankudi And
Post, Chidambaram Taluk Cuddalore District 608
702



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7. S.D. Sion Matric Higher Secondary School
Rep. By Its Correspondnet, Opp To TNEB,
Sethiyathope, Boothangudi Sethiyathope Post,
Chidambaram Taluk, Cuddalore District 608 702

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records of the impugned letter No 329 M / Ko. 9 / Vb / EVA-1 / 2025 dated 19.09.2025 issued by the 4th respondnet and impugned Notice dated 09.10.2025 in Ku. No 1/ 2025 / U issued by the 3rd respondent and quash the same and with consequential direction to the concerned respondents authorities ot conduct a proper survey of the entire disputed land along the irrigation canal from Pazvaikal to Keerpalayam, identify all encroachemnts made on the Highways and the Irrigatin canal by the 3rd and 4the respondents, and clear the entire encroachments after providing rehabilitation and resettlement measures to the affected residents.

For Petitioner : Ms.Sushmitha.S

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader
– for RR 1 to 4
R5 to R7 – Notice dispensed with

Order

(Order of the Court was made by R.Suresh Kumar J.)

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records of the impugned letter No 329 M / Ko. 9 / Vb / EVA-1 / 2025 dated 19.09.2025 issued by the 4th respondnet and impugned Notice dated 09.10.2025 in Ku. No 1/ 2025 / U issued by the 3rd respondent and quash the same and with



consequential direction to the concerned respondents authorities to conduct a proper survey of the entire disputed land along the irrigation canal from Pazvaikal to Keerpalayam, identify all encroachments made on the Highways and the Irrigation canal by the 3rd and 4th respondents, and clear the entire encroachments after providing rehabilitation and resettlement measures to the affected residents.

2. The petitioner and several other people seem to have been in encroachment of the road margin of the Highways Department at Allur Village, Boothangudi Post, Chidambaram Taluk, Cuddalore District. A communication has been received by the petitioners from the Executive Engineer of the Highways Department i.e., 4th respondent on 19.09.2025 stating that there has been an encroachment on the part of the writ petitioner and others and therefore, those encroachments would be removed in due course. Challenging the said communication dated 19.09.2025, the petitioner has filed the present writ petition.

3. In this context, the learned counsel for the petitioner would submit that, admittedly the petitioner and other 40 plus families have been in encroachment of the road margin of the said locality. As they are poor agricultural labourers, they do not have any other avocation on permanent basis for a long period of time they have been residing in such temporary shelters. Therefore, if at all they have to be vacated, they should be allotted alternative land by the Government and in order to get the benevolent gesture of the Government, the petitioner has already given a



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representation on 13.10.2025 to all the official respondents. In order to consider the said representation and to take a decision with regard to the plea of the petitioner and other similarly placed persons of the locality to grant alternative site for their dwelling purpose, if a direction is given to the official respondents especially the first respondent District Collector, that would be suffice, learned counsel for the petitioner contended.

4. We have heard Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the respondents, who would submit that, if at all the petitioner has given any representation on 13.10.2025 seeking alternative accommodation of allotment of land, that would be considered subject to availability of the land or land parcel at the hands of the Government in that locality or District or Taluk concerned. However, the petitioner cannot claim such allotment as a matter of right, and merely because a representation has been given on 13.10.2025 seeking alternative land, the petitioner or any other encroacher like the petitioner cannot seek the indulgence of this Court under the shelter saying that they have been in encroachment of the Government land / Highways land for several years. Therefore, to that extent the prayer sought for in the writ petition is to be rejected, he contended.

5. We have considered the rival submissions made by the learned counsel appearing for both sides and have perused the materials placed on record. In view



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of the order that is going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.

6. As has been rightly pointed out by the learned Additional Government Pleader appearing for the respondents, it is not a matter of right to seek for allotment of alternative land as a condition precedent for vacating from the road side that belongs to the Government, which has been admittedly encroached by the petitioner and others. But, at the same time being a welfare Government of the State, it is the paramount duty of the District Collector, who is in charge of the administration of the District and Head of the Revenue Department to find out a solution by considering the representation dated 13.10.2025 made by the petitioner on his behalf and on behalf of other similarly placed persons, in order to avoid multiplicity of proceedings.

7. In that view of the matter, we are inclined to dispose of this writ petition with the following orders.

- (a) That there shall be a direction to the first respondent / District Collector to consider the representation of the petitioner dated 13.10.2025 and find out a solution with regard to the plea raised by the petitioner for allotment of alternative land for dwelling purpose. Suitable decision can be taken by the first respondent as early as possible preferably within a period of three months from the date of receipt of a copy of this order. Apart from this relief, no other direction can be given to the petitioner.



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(b) Though the writ petition is filed seeking to quash the impugned order dated 19.09.2025 and to grant patta for the land occupied by the petitioner and others, and the representation dated 13.10.2025 is also given by the petitioner seeking for cancellation of the said notice, the same cannot be granted in view of the reasons recorded by us as stated above.

(c) Therefore, a fresh a representation can be given by the petitioner seeking for allotment of alternative land and on receipt of such representation from the petitioner or any third parties, who are similarly occupying or encroaching upon the Highways land or Government land in the locality as stated supra, it is open to the first respondent to consider the same and pass orders thereon as indicated in the order above as early as possible.

8. With the above observations and directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)
18-11-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

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